

**** E-filed June 6, 2012 ****

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

MICHAEL LAZARIN, STEPHEN KOHLER,
and PAUL CAPANO, individually and on
behalf of other members of the general public
similarly situated, and as aggrieved employees
pursuant to the Private Attorneys General Act
("PAGA")

Plaintiffs,

v.

PRO UNLIMITED, INC., JUNIPER
NETWORKS, INC., JUNIPER NETWORKS
HOLDINGS INTERNATIONAL, INC., and
JUNIPER NETWORKS (US), INC.

Defendants.

Case No. 5:11-CV-03609-HRL

**~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
AND COLLECTIVE ACTION
SETTLEMENT**

(MODIFIED BY THE COURT)

Date: June 5, 2012

Time: 10:00 a.m.

Judge: Honorable Howard Lloyd

Courtroom: 2 – 5th Floor

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

Plaintiffs' Motion for Preliminary Approval of a Class and Collective Action
Settlement came before this Court, the Honorable Howard R. Lloyd presiding, on
June 5, 2012. The Court having considered the papers submitted in support of the
application of the parties, HEREBY ORDERS THE FOLLOWING:

1. The Court grants preliminary approval of the Joint Stipulation of Settlement and

1 Release Between Plaintiffs and Defendant (“Settlement” or “Joint Stipulation”), and preliminary
 2 approval of the Settlement Classes set forth in the Joint Stipulation under FRCP 23(b)(3), and
 3 provisional certification of the collective action under Section 16(b) of the FLSA, based upon the
 4 terms set forth in the Joint Stipulation filed herewith, and issues this “Preliminary Approval
 5 Order.” The Settlement appears to be fair, adequate and reasonable to the Settlement Classes.

6 2. The Settlement falls within the range of reasonableness and appears to be
 7 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
 8 and final approval by this Court.

9 3. A final fairness hearing on the question of whether the proposed Settlement,
 10 attorneys’ fees and costs to Class Counsel, and the Class Representatives’ Enhancement Awards
 11 should be finally approved as fair, reasonable and adequate as to the members of the Class is
 12 scheduled in Courtroom 2 on the date and time set forth in the implementation schedule in
 13 Paragraph 10 below.

14 4. The Court approves, as to form and content, the Notice of Pendency of Class
 15 Action, Proposed Settlement and Hearing Date for Court Approval (“Notice”), ~~in substantially the~~
 16 ~~with those changes, made by the court, that appear in the version attached to this Order~~
 17 ~~form attached to the Joint Stipulation of Settlement and Release Between Plaintiffs and~~
 18 ~~Defendants as Exhibit A.~~ The Court approves the procedure for Class Members to participate in,
 19 to opt out of, and to object to, the Settlement as set forth in the Notice. ~~Any discrepancy between the~~
 20 ~~Notice submitted by plaintiffs and the Notice attached to this Order should be resolved in favor of the~~
 21 ~~latter.~~ 5. The Court directs the mailing of the Notice by first class mail to the Class Members

22 in accordance with the Implementation Schedule set forth below. The Court finds the dates
 23 selected for the mailing and distribution of the Notice, as set forth in the Implementation
 24 Schedule, meet the requirements of due process and provide the best notice practicable under the
 25 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

26 6. It is ordered that the Settlement Class is preliminarily certified under Rule 23(b)(3)
 27 of the FRCP and as a collective action under 29 U.S.C. 216(b) of the Fair Labor Standard Act for
 28 settlement purposes only.

7. The Court confirms Plaintiffs as Class Representatives, and Rukin Hyland Doria &
 Tindall LLP as Class Counsel.

8. The Court confirms Simpurlis, Inc. as the Claims Administrator.

9. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or administrative proceedings regarding the Released Claims as defined in the Settlement pending final approval of the Settlement.

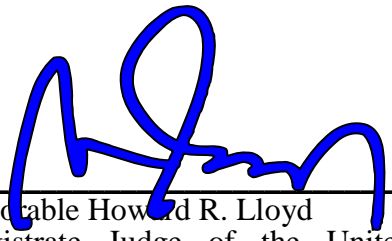
10. The Court orders the following **Implementation Schedule** for further proceedings:

a.	Deadline for Defendant to submit Class Member information to Settlement Administrator	June 20, 2012 [15 calendar days after Order Granting Preliminary Approval]
b.	Deadline for Settlement Administrator to mail the Notice to Class Members	July 5, 2012 [30 calendar days after Order Granting Preliminary Approval]
c.	Deadline for Class Members to postmark any Requests for Exclusions from the California Class	August 20, 2012 [45 calendar days after mailing of the Notice to Class Members]
d.	Deadline for Class Members to postmark any objections to the Settlement	August 20, 2012 [45 calendar days after mailing of the Notice to Class Members]
e.	Deadline for Class Members to postmark any workweek disputes	August 20, 2012 [45 calendar days after mailing of the Notice to Class Members]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	September ⁹ 14 , 2012 ³⁵ 30 calendar days before Final Approval Hearing[
g.	Deadline for Class Counsel to file Motion for Attorneys' Fees, Costs and	September ⁹ 14 , 2012 ³⁵ 30 calendar days before Final

	Enhancement Awards	Approval Hearing]
h.	Deadline for Class Counsel to file Settlement Administrator's Declaration of Due Diligence, Proof of Mailing of Notice, and Receipt of Objections to Settlement or Requests for Exclusion from California Class	September 14 ⁹ , 2012 30 ³⁵ calendar days before Final Approval Hearing]
i.	Deadline for Class Members to postmark any objections to Request for Attorneys' fees and costs	September 24, 2012 10 ¹⁵ calendar days after filing of Motion for Attorneys' Fees, Costs]
j.	Deadline for Defendant to provide written notice of rescission of Settlement to Class Counsel (if applicable)	October 2, 2012 [10 court days before Final Approval Hearing]
k.	Final Approval Hearing	October 16, 2012
l.	Deadline for Defendant to pay, and the Settlement Administrator to distribute, the Settlement Awards, and the Court-approved attorneys' fees, costs, Enhancement Awards and settlement administration expenses (if Settlement is Effective)	November 6, 2012 [21 calendar days after Settlement is Final and Effective under Paragraph 14(b)]
m.	Deadline for Class Counsel to file joint request to obtain Court order to identify FLSA Plaintiffs covered by and bound to the Settlement (if Settlement is Effective)	February 13, 2012 ²⁰¹³ [120 calendar days after issuance of the Settlement Awards]

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2 **IT IS SO ORDERED.**

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4 Dated: June 6, 2012

5 
6 Honorable Howard R. Lloyd
7 Magistrate Judge of the United States
8 District Court
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